

(g) *Lease*. The written agreement, approved by FmHA or its successor agency under Public Law 103-354, between the borrower and tenant.

(h) *Tenant*. An eligible lessee/occupant of a RRH or LH project who has executed a lease agreement. For the purposes of this subpart, the term *tenant* will also mean *cooperative member*.

(i) *Termination of tenancy*. The termination of the lease, either before or at the end of the lease term, as the result of material noncompliance with the terms of the lease, rules for occupancy, or violation of FmHA or its successor agency under Public Law 103-354 regulations applicable to conditions for occupancy.

[48 FR 56177, Dec. 19, 1983, as amended at 56 FR 2256, Jan. 22, 1991; 58 FR 40954, July 30, 1993]

#### § 1944.553 Exceptions.

This subpart does not apply to:

(a) *Rent changes authorized by FmHA or its successor agency under Public Law 103-354*. Rent changes must be authorized by FmHA or its successor agency under Public Law 103-354 in accordance with the requirements of exhibit C to subpart C of part 1930 of this chapter where tenants are provided an opportunity to provide comments to FmHA or its successor agency under Public Law 103-354 on a borrower's Notice of Proposed Rent Change.

(b) *Discrimination complaints*. Any tenant/member of prospective tenant/member seeking occupancy or use of RRH, RCH, or related facilities who believes he/she has been discriminated against because of age, race, color, religion, sex, marital or familial status, handicap or national origin may file a complaint in person with, or by mail to the Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development (HUD), Washington, DC 20410, or any HUD office, or to the Secretary of Agriculture, Washington, DC 20250. If a complaint is made to an FmHA or its successor agency under Public Law 103-354 County, District or State Office, it must be directed to the Director of Equal Opportunity Staff, National Office, by the FmHA or its successor agency under Public Law 103-354 employee in charge of that office. When a complaint is sent

to FmHA or its successor agency under Public Law 103-354-EOS by a county or district office, the State Director will be made aware of the complaint.

(c) *Projects in which an association of all tenants has been duly formed*. In projects where an association of all tenants has been duly formed and the association and the borrower have agreed to an alternate method of settling grievances, that method will be used.

(d) *Changes in rules required by FmHA or its successor agency under Public Law 103-354*. Changes in rules required by FmHA or its successor agency under Public Law 103-354 in which proper notice and opportunity have been given according to law and the provisions of the lease.

(e) *Notification of termination of tenancy and eviction*. Notification of termination of tenancy and eviction is to be handled in accordance with paragraph XIV C of exhibit B of subpart C of part 1930 of this chapter and according to State or local law.

(f) *Termination of tenancy and eviction by judicial action as prescribed by State or local law*. Termination of tenancy and eviction must be based on material violation of the lease terms or for other good cause as determined by the borrower or the project manager in accordance with paragraph XIV A of exhibit B of subpart C of part 1930. The borrower shall not evict any tenant except by judicial action pursuant to State or local law and in accordance with the requirements of this subpart.

(g) *Disputes between tenants*. This subpart does not apply to disputes between tenants not involving the borrower.

(h) *Displacement or other effects as a result of prepayment*. This subpart does not apply to tenant displacement or other effects due to prepayment of the FmHA or its successor agency under Public Law 103-354 loan. Opportunities for tenant input into the prepayment process are outlined in subpart E of part 1965 of this chapter.

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